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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,248	12/09/1999	GEORGE NICHOLS	02103-365001	8624

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EXAMINER

NI, SUHAN

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/458,248

Applicant(s)

NICHOLS ET AL.

Examiner

Suhan Ni

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-17 and 21-29 is/are rejected.
- 7) ☒ Claim(s) 18-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

1. In view of the appeal brief filed on 05/23/2002, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below. The examiner apologizes for the delay.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Objections

2. Claim 10 is objected to because of the following informalities:

In line 2, "the A-pillar".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 2643

3. Claims 21-26 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 21-25 are **single means claim**, that do not enable one skilled in the art to make/or use the invention. See MPEP 2164.08 (a).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 5, 8, 10-12, 21 and 23-24 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Clauson et al. (US-6,179,359).

Regarding claim 1, 11 and 21, Clauson et al. disclose an acoustic assembly comprising: an electro-acoustical transducer (44); and an acoustic element (40), separate from said transducer, and structured to improve the acoustic performance of said transducer; wherein said assembly is an element of a vehicle pillar (12).

Regarding claims 5, 8 and 23, Clauson et al. further disclose the acoustic assembly, wherein the acoustic assembly has a sealed acoustic volume (Fig. 3).

Regarding claim 10, 12 and 24, Clauson et al. further disclose the acoustic assembly, wherein the vehicle pillar is an A-pillar (Fig. 1).

Art Unit: 2643

5. Claims 1-6, 11 and 21-22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rocheleau et al. (US-5,414,229).

Regarding claims 1, 11 and 21, Rocheleau et al. disclose an acoustic assembly for automobile comprising: an electro-acoustical transducer (46); and an acoustic element (10, 16), separate from said transducer, and structured to improve the acoustic performance of said transducer; wherein said assembly is an element of a vehicle pillar (10).

Regarding claims 2-3 and 22, Rocheleau et al. further disclose the acoustic assembly, wherein the acoustic element is a two-ended ended waveguide (12).

Regarding claims 2 and 4, Rocheleau et al. further disclose the acoustic assembly, wherein the acoustic element is a single ended waveguide (36).

Regarding claims 5-6, Rocheleau et al. further disclose the acoustic assembly, wherein the acoustic assembly has a ported acoustic volume (Fig. 2).

6. Claims 1-3, 5-6 and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Atkinson (US-1,930,577).

Regarding claims 1, Atkinson discloses an acoustic assembly for automobile comprising: an electro-acoustical transducer (21); and an acoustic element (10), separate from said transducer, and structured to improve the acoustic performance of said transducer; wherein said assembly is an element of a vehicle pillar (Fig. 1).

Regarding claims 2-3, Atkinson further discloses the acoustic assembly, wherein the acoustic element is a two-ended ended waveguide (15, 20).

Regarding claims 5-6, Atkinson further discloses the acoustic assembly, wherein the acoustic assembly has a ported acoustic volume (15, 20).

Regarding claims 5 and 8, Atkinson et al. further disclose the acoustic assembly, wherein the acoustic assembly has a sealed acoustic volume (sealed by 19 and 21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7, 9 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atkinson (US-1,930,577).

Regarding claims 7, 9 and 25-29, Atkinson does not clearly show a second and/or a third transducer as claimed. Since providing a second and/or a third acoustic transducer in an acoustic volume is well known in the art and the acoustic volume taught by Atkinson (see Fig. 3) has sufficient space to accommodate a second and/or a third transducer, it therefore would have been obvious to one skilled in the art at the time the invention was made to provide a second and/or a third, such as a second and/or third small tweeter therein the acoustic volume as an alternate choice, for improving the acoustic performance of the acoustic assembly.

8. Claims 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rocheleau et al. (US-5,414,229).

Regarding claim 12, Rocheleau et al. do not clearly show that the pillar is an A-pillar as claimed. But Rocheleau et al. do clearly teach that the bracket is for mounting a speaker in a corner pillar of a vehicle, and Rocheleau et al. do not restrict that said corner pillar is only the rear corner pillar. Therefore it would have been obvious to one skilled in the art at the time the

Art Unit: 2643

invention was made to provide the bracket for any suitable corner pillar, such as an A-pillar of a vehicle, especially a rather large vehicle, such as a bus as an alternate choice, in order to further utilize the mounting bracket and provide sound with less space taken in a vehicle.

Regarding claims 13-14, Rocheleau et al. further disclose the acoustic assembly, wherein the acoustic element (10) is a two-ended ended waveguide (12).

Regarding claims 13 and 15, Rocheleau et al. further disclose the acoustic assembly, wherein the acoustic element (16) is a single ended waveguide (36).

Regarding claims 16-17, Rocheleau et al. further disclose the acoustic assembly, wherein the acoustic assembly has a ported acoustic volume (Fig. 2).

Allowable Subject Matter

9. Claims 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Amendment

10. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Suhan Ni** whose telephone number is **(703)-308-9322**, and the number for fax machine is **(703)-305-9508**. The examiner can normally be reached on Monday


Application/Control Number: 09/458,248

Page 7

Art Unit: 2643

through Thursday from 9:00 am to 7:30 pm. If it is necessary, the examiner's supervisor, **Curtis Kuntz**, can be reached at **(703) 305-4708**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is **(703) 305-3900**.


SINH TRAN
PRIMARY EXAMINER

SN

August 11, 2002